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EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 26th July, 2023:—

BILL NO. 93 OF 2023

A Bill further to amend the Registration of Births and Deaths Act, 1969.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Registration of Births and Deaths (Amendment) Act, 2023. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

18 of 1969.

2. Throughout the Registration of Births and Deaths Act, 1969 (hereinafter referred to as the principal Act), for the word “Registrar-General”, wherever it occurs, the words “Registrar General of India” shall be substituted.

Construction of references of certain expressions by certain other expressions.

Amendment
of section 2.

3. In section 2 of the principal Act, in sub-section (1),—

(i) clause (a) shall be re-numbered as clause (ab) thereof, and before clause (ab) as so re-numbered, the following clauses shall be inserted, namely:—

‘(a) “Aadhaar number” shall have the same meaning as assigned to it in clause (a) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016;

18 of 2016.

(aa) “adoption” shall have the same meaning as assigned to it in clause (2) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2015;’;

2 of 2016.

(ii) clause (b) shall be re-numbered as clause (ba) thereof, and before clause (ba) as so re-numbered, the following clause shall be inserted, namely:—

‘(b) “database” means the organised collection of data, generally stored and accessed in electronic form from a computer network;’.

Amendment
of section 3.

4. In section 3 of the principal Act,—

(i) in the marginal heading, for the words “Registrar-General, India”, the words “Registrar General of India” shall be substituted;

(ii) in sub-section (1), for the words “Registrar-General, India”, the words “Registrar General of India” shall be substituted;

(iii) in sub-section (3), for the words “and submit”, the words “and the database of registered births and deaths and submit” shall be substituted;

(iv) after sub-section (3), the following sub-sections shall be inserted, namely:—

“(4) The Registrar General of India shall maintain the database of registered births and deaths at the National level and it shall be obligatory upon the Chief Registrar and the Registrars to share the data of registered births and deaths to such database.

(5) Subject to the proviso to sub-section (1) of section 17 and with the prior approval of the Central Government, the database of registered births and deaths maintained under sub-section (4) may, on request, be made available to the authorities dealing with the preparation or maintenance of database relating to—

(a) population register;

(b) electoral rolls;

(c) Aadhaar number;

(d) ration card;

(e) passport;

(f) driving licence;

(g) property registration; and

(h) such other databases at the National level as may be notified,

and the authority shall inform the action taken, within such period as may be notified from time to time, to the Central Government:

Provided that the preparation or maintenance of database relating to electoral rolls in clause (b) shall be without prejudice to the provisions of the Representation of the People Act, 1950.”.

43 of 1950.

Amendment
of section 4.

5. In section 4 of the principal Act, after sub-section (4), the following sub-sections shall be inserted, namely:—

“(5) The Chief Registrar shall take steps to register births or deaths and maintain a unified database of registered births and deaths at the State level by using the portal as approved by the Registrar General of India and it shall be obligatory upon the Registrars to share the data of registered births and deaths to such database.

(6) Subject to the proviso to sub-section (1) of section 17 and with the prior approval of the State Government, the database of registered births and deaths maintained under sub-section (5) at the State level may, on request, be made available to the authority dealing with other databases at the State level and the authority shall inform action taken, within such period as may be notified from time to time, to the State Government:

Provided that the preparation or maintenance of database relating to electoral rolls shall be without prejudice to the provisions of the Representation of the People Act, 1950.”.

43 of 1950.

6. In section 7 of the principal Act,—

Amendment
of section 7.

(i) in sub-section (2),—

(a) after the words “enter in the register maintained”, the words “, electronically or otherwise,” shall be inserted;

(b) after the word and figure “section 9”, the words “in respect of births and deaths which has taken place in his jurisdiction” shall be inserted;

(ii) in sub-section (5),—

(a) for the words “appoint Sub-Registrars and”, the words “appoint Sub-Registrars and, in the event of any disaster or epidemic, appoint Special Sub-Registrars” shall be substituted;

(b) the following *Explanation* shall be inserted, namely:—

‘Explanation.—For the purposes of this sub-section, the expressions,—

53 of 2005.

(i) “disaster” shall have the same meaning as assigned to it in clause (d) of section 2 of the Disaster Management Act, 2005;

3 of 1897.

(ii) “epidemic” means the epidemic referred to in the Epidemic Diseases Act, 1897.’.

7. In section 8 of the principal Act, in sub-section (1),—

Amendment
of section 8.

(i) in the opening portion,—

(a) for the words “orally or in writing”, the words “orally or in writing with signature” shall be substituted;

(b) after the words “several particulars”, the words “including the Aadhaar number of parents and the informant, if available, in case of birth,” shall be inserted;

(ii) in clause (a), the word “male” shall be omitted;

(iii) after clause (a), the following clauses shall be inserted, namely:—

“(aa) in respect of non-institutional adoption, the adoptive parents;

(ab) in respect of birth of a child to a single parent or unwed mother from her womb, the parent;

(ac) in respect of birth of a child through surrogacy, the biological parent;”;

(iv) after clause (d), the following clauses shall be inserted, namely:—

“(da) in respect of a child who is taken on adoption from the Specialised Adoption Agency, the person in-charge of the Specialised Adoption Agency.

Explanation.—For the purposes of this clause, the expression “Specialised Adoption Agency” shall have the same meaning as assigned to it in clause (57) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2015;

2 of 2016.

(db) in respect of an orphan or abandoned child or surrendered child in any child care institution, the person in-charge or caretaker of the child care institution.

Explanation.—For the purposes of this clause, the expressions “abandoned child” or “child care institution” or “orphan” or “surrendered child” shall have the same meanings as respectively assigned to them in clauses (1), (21), (42) and (60) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2015;

2 of 2016.

(dc) in respect of birth of a child through surrogacy in a surrogacy clinic, the person in-charge of the surrogacy clinic.

Explanation.—For the purposes of this clause, the expressions “surrogacy” and “surrogacy clinic” shall have the same meanings as respectively assigned to them in clauses (zd) and (ze) of sub-section (1) of section 2 of the Surrogacy (Regulation) Act, 2021;’.

47 of 2021.

Amendment
of section 10.

8. In section 10 of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

“(2) Where death occurs in any medical institution providing specialised treatment or general treatment, every such institution, irrespective of ownership, shall, free of charge, provide a certificate of the cause of death, including the history of illness, if any, signed by the medical practitioner who attended that person during his recent illness to the Registrar in such form as may be prescribed and provide a copy of such certificate to the nearest relative.

(3) In the event of death of any person occurring in any place other than medical institution, and such person was, during his recent illness, attended to by a medical practitioner, such medical practitioner shall, after the death of that person, free of charge, forthwith issue, a certificate of the cause of death, including the history of illness, if any, to the person required under this Act to give information concerning the death in such form as may be prescribed, and the person, on receipt of the certificate, shall deliver the same to the Registrar at the time of giving information of the death as required under this Act.”.

Amendment
of section 11.

9. In section 11 of the principal Act, for the words “place of abode, and, if he cannot write”, the words “place of abode and put his signature thereto, and, if he cannot write” shall be substituted.

Substitution
of new
section for
section 12.

10. For section 12 of the principal Act, the following section shall be substituted, namely:—

Certificate of
registration
of births or
deaths.

“12. The Registrar shall, as soon as the registration of a birth or death has been completed, but not later than seven days, give, free of charge, electronically or otherwise under his signature, to the person who gives information under section 8 or section 9, a certificate extracted from the register relating to such birth or death in such form and manner as may be prescribed.”.

Amendment
of section 13.

11. In section 13 of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

“(2) Any birth or death of which delayed information is given to the Registrar after thirty days but within one year of its occurrence, shall be registered only with the written permission of the District Registrar or such other authority, on payment of such fee and on production of self-attested document in such form and manner as may be prescribed.

(3) Any birth or death of which delayed information is given to the Registrar after one year of its occurrence, shall be registered only on an order made by a District

Magistrate or Sub-Divisional Magistrate or by an Executive Magistrate authorised by the District Magistrate, having jurisdiction over the area where the birth or death has taken place, after verifying the correctness of the birth or death and on payment of such fee as may be prescribed.

Explanation.—For the purposes of this sub-section, the expression “Executive Magistrate” means the Executive Magistrate appointed under sub-section (1) of section 20 of the Code of Criminal Procedure, 1973.’.

2 of 1974.

12. In section 16 of the principal Act, in sub-section (1), after the words “register of births and deaths”, the words “, electronically or otherwise,” shall be inserted.

Amendment
of section 16.

13. In section 17 of the principal Act,—

Amendment
of section 17.

(i) in sub-section (1), for clause (b), the following clause shall be substituted, namely:—

“(b) obtain, electronically or otherwise, a certificate of birth or death from such register and issued in such form and manner as may be prescribed:

Provided that no certificate relating to any death, issued to any person, shall disclose the particulars regarding the cause of death as entered in the register.”;

(ii) in sub-section (2), for the word “extracts” occurring at both the places, the word “certificates” shall be substituted;

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Notwithstanding anything contained in any other law for the time being in force, the certificate referred to in sub-section (2) or section 12, shall be used to prove the date and place of birth of a person who is born on or after the date of commencement of the Registration of Births and Deaths (Amendment) Act, 2023, for the purposes of—

(a) admission to an educational institution;

(b) issuance of a driving licence;

(c) preparation of a voter list;

(d) registration of a marriage;

(e) appointment to a post in the Central Government or State Government or a local body or public sector undertaking or in any statutory or autonomous body under the Central Government or State Government;

(f) issuance of a passport;

(g) issuance of an Aadhaar number; and

(h) any other purpose as may be determined by the Central Government.”.

14. In section 18 of the principal Act, for the words “by the District Registrar”, the words “in general or special order by the Chief Registrar” shall be substituted.

Amendment
of section 18.

15. In section 23 of the principal Act,—

Amendment
of section 23.

(a) in sub-section (1),—

(i) in the opening portion, for the words “Any person”, the words, brackets, figure and letter “Any person, except the person specified in sub-section (1A),” shall be substituted;

(ii) in clause (c), after the words “thumb mark”, the words “or signature, as the case may be,” shall be inserted;

(iii) in the long line, for the words “fifty rupees”, the words “two hundred and fifty rupees” shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Whoever, being a person specified in clauses (b), (c), (d), (da), (db), (dc) and (e) of sub-section (1) of section 8,—

(a) fails without reasonable cause to give any information which it is his duty to give; or

(b) gives or causes to be given, for the purpose of being inserted in any register of births and deaths, any information which he knows or believes to be false regarding any of the particulars required to be known and registered; or

(c) refuses to write his name, description and place of abode or to put his thumb mark or signature in the register as required under section 11, shall be punishable with fine which may extend to one thousand rupees in respect of each birth or death.”;

(c) in sub-section (2),—

(i) after the words “in his jurisdiction”, the words and figures “or to give a certificate to the informant under section 12” shall be inserted;

(ii) for the words “fifty rupees”, the words “two hundred and fifty rupees” shall be substituted;

(d) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Any person who neglects or refuses to provide or issue a certificate as required under sub-section (2) or sub-section (3) of section 10 or any person neglects or refuses to deliver such certificate to the Registrar, shall be punishable with fine which may extend to fifty rupees.”;

(e) in sub-section (4),—

(i) for the words “Any Person”, the words, brackets, figure and letter “Any person except the person specified in sub-section (1A)” shall be substituted;

(ii) for the words “ten rupees”, the words “two hundred and fifty rupees” shall be substituted;

(f) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) Any person specified in sub-section (1A), who, without reasonable cause, contravenes any provision of this Act for the contravention of which no penalty is provided for in this section, shall be punishable with fine which may extend to one thousand rupees in respect of each birth or death.”;

(g) in sub-section (5), for the words and figures “Code of Criminal Procedure, 1898”, the words and figures “Code of Criminal Procedure, 1973” shall be substituted.

5 of 1898.
2 of 1974.

Amendment
of section 24.

16. In section 24 of the principal Act, in sub-section (1), for the position beginning with the words “proceedings under this Act” and ending with the words “fifty rupees”, the following shall be substituted, namely:—

“proceedings under this Act,—

(a) accept from the person, except the person specified in sub-section (1A) of section 23, who has committed or is reasonably suspected of having committed an offence under this Act, by way of composition of such offence a sum of money not exceeding two hundred and fifty rupees;

(b) accept from the person specified in sub-section (1A) of section 23, who has committed or is reasonably suspected of having committed an offence under this Act, by way of composition of such offence a sum of money not exceeding one thousand rupees in respect of each birth or death.”.

17. After section 25 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 25A.

“25A. (1) Any person aggrieved by any action or order of,—

Appeal.

(i) the Registrar, may prefer an appeal to the District Registrar; or

(ii) the District Registrar, may prefer an appeal to the Chief Registrar,

within a period of thirty days from the date of such action or receipt of such order, as the case may be, in such form and manner as may be prescribed.

(2) The District Registrar or the Chief Registrar, as the case may be, shall decide the appeal referred to in sub-section (1) within a period of ninety days from the date of preferring of such appeal.”.

18. In section 30 of the principal Act, in sub-section (2),—

Amendment of section 30.

(i) for clauses (d), (e) and (f), the following clauses shall be substituted, namely:—

“(d) the form of certificate of the cause of death under sub-sections (2) and (3) of section 10;

(e) the form and manner in which the certificate of birth or death may be given under section 12;

(f) the authority which may grant permission for registration of a birth or death and the form and manner of production of self-attested document under sub-section (2) of section 13;”;

(ii) after clause (g), the following clauses shall be inserted, namely:—

“(ga) the form and manner in which the certificate of birth or death may be obtained under clause (b) of sub-section (1) of section 17;

(gb) the form and manner of preferring an appeal under sub-section (1) of section 25A;”;

(iii) in clause (i), for the word “extracts”, the word “certificates” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Registration of Births and Deaths Act, 1969 (18 of 1969) (the Act) was enacted to provide for the regulation of registration of births and deaths and for matters connected therewith.

2. The Act has not been amended so far since its inception. In order to keep pace with the societal change and technological advancements during the period of its operation and to make it more citizen friendly, there is a need to amend the Act. Based on the consultations held with the State Governments, general public and other stake holders, it is proposed to amend certain provisions of the Act in form of a Bill, namely the Registration of Births and Deaths (Amendment) Bill, 2023.

3. The Registration of Births and Deaths (Amendment) Bill, 2023, *inter alia*, provides for the following, namely:—

(i) to insert provisions for digital registration and electronic delivery of certificate of births and deaths for the benefit of public at large;

(ii) to create a National and State level database of registered births and deaths which would help in updating other databases resulting in efficient and transparent delivery of public services and social benefits;

(iii) to provide for use of the Birth Certificate as a single document to prove the date and place of birth of a person born on or after the date of commencement of the Registration of Births and Deaths (Amendment) Act, 2023, for admission to an educational institution, issuance of a driving licence, preparation of a voter list, registration of a marriage, appointment to a post in Central Government or State Government or a local body or public sector undertaking or in any statutory or autonomous body under the Central Government or State Government, issuance of a passport, issuance of an Aadhaar number and any other purpose as may be determined by the Central Government in order to enhance the public convenience and to avoid multiplicity of documents to prove date and place of birth in the country;

(iv) to change the ordering authority from Magistrate of the first class or Presidency Magistrate to District Magistrate or Sub-Divisional Magistrate or an Executive Magistrate authorised by the District Magistrate in the case of delayed information of any birth or death to the Registrar after one year of its occurrence and submission of self-attested document instead of an affidavit made before a Notary Public in the case of delayed information of any birth or death to the Registrar after thirty days but within one year of its occurrence;

(v) to facilitate registration process of adopted, orphan, abandoned, surrendered, surrogate child and child to a single parent or unwed mother;

(vi) to make it mandatory for all medical institutions to provide a certificate as to the cause of death to the Registrar and a copy of the same to the nearest relative;

(vii) to appoint Special "Sub-Registrars" in the event of disaster or epidemic for speedy registration of deaths and issue of certificates;

(viii) to collect Aadhaar numbers of parents and informant, if available, in case of birth registration;

(ix) to address the grievances of general public aggrieved by any action or order of the Registrar or District Registrar; and

(x) to enhance the penalties provided in the Act.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;

AMIT SHAH.

The 27th June, 2023.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Registration of Births and Deaths (Amendment) Bill, 2023 relates to amendment of section 30. The said section empowers the State Governments to make rules in respect of certain matters mentioned in the Act. It is proposed to amend the said section empowering the State Governments to make rules in respect of the following matters also, namely:—

(i) the form of certificate of the cause of death under sub-sections (2) and (3) of section 10;

(ii) the form and manner in which the certificate of birth or death may be given under section 12;

(iii) the authority which may grant permission for registration of a birth or death and the form and manner of production of self-attested document under sub-section (2) of section 13;

(iv) the form and manner in which the certificate of birth or death may be obtained under clause (b) of sub-section (1) of section 17; and

(v) the form and manner of filing an appeal under sub-section (1) of section 25A.

2. The matters in respect of which rules may be made under the aforesaid provisions are matters of detail and it is not practicable to provide them in the Bill itself. The delegation of legislative powers is, therefore, of a normal character.

FINANCIAL MEMORANDUM

The Registration of Births and Deaths (Amendment) Bill, 2023, if enacted would not involve any expenditure either recurring or non-recurring from and out of the Consolidated fund of India.

BILL NO. 90 OF 2023

A Bill further to amend the Jammu and Kashmir Reservation Act, 2004.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Jammu and Kashmir Reservation (Amendment) Act, 2023. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Jammu and
Kashmir Act
XIV of 2004.

2. In the Jammu and Kashmir Reservation Act, 2004, in section 2,—

Amendment
of section 2.

(i) in clause (o),—

(A) for sub-clause (iii), the following sub-clause shall be substituted, namely:—

“(iii) other backward classes declared as such by the Government from time to time:”;

(B) in the first proviso, for the words "said category", the words "category of socially and educationally backward classes" shall be substituted;

(ii) clause (q) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Jammu and Kashmir Reservation Act, 2004 (Jammu and Kashmir Act XIV of 2004) herein referred to as 'the Reservation Act' was enacted to provide for reservation in appointment and admission in professional institutions for the members of the Scheduled Castes, the Scheduled Tribes and other socially and educationally backward classes.

2. In terms of sub-section (2) of section 95 of the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019), the reservation in the Union territory of Jammu and Kashmir continues to be governed by the Reservation Act. Currently, the Legislature of the Union territory of Jammu and Kashmir is not in place. By a proclamation of the President under section 73 of the Jammu and Kashmir Reorganisation Act, 2019 dated the 31st October, 2019, the powers of the Legislature of the Union territory of Jammu and Kashmir are exercisable by or under the authority of Parliament.

3. It is proposed to amend section 2 of the Reservation Act by the Jammu and Kashmir Reservation (Amendment) Bill, 2023 so as to change the nomenclature of "weak and under privileged classes (social castes)" occurring in sub-clause (iii) of clause (o), to "other backward classes" and to make consequential amendment in clause (q), of section 2 of the said Act. The above amendments have been proposed on the recommendations of the Jammu and Kashmir Socially and Educationally Backward Classes Commission (SEBCC), so as to remove the confusion amongst the general public as well as the competent authorities issuing certificates to eligible persons due to difference in such nomenclature. The proposed amendment will also enable implementation of the Constitution (One Hundred and Fifth Amendment) Act, 2021, in letter and spirit.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 11th July, 2023.

AMIT SHAH.

BILL NO. 100 OF 2023

A Bill further to amend the Jammu and Kashmir Reorganisation Act, 2019.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Jammu and Kashmir Reorganisation (Amendment) Act, 2023. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 14.

2. In the Jammu and Kashmir Reorganisation Act, 2019 (hereinafter referred to as the principal Act), in section 14,— 34 of 2019.

(i) in sub-section (3), the following proviso shall be inserted, namely:—

'Provided that subject to the provisos of sub-section (1) of section 60, on and from the date of commencement of the Jammu and Kashmir Reorganisation (Amendment) Act, 2023, the provisos of this sub-section shall have effect as if for the figures "107", the figures "114" had been substituted.';

(ii) for sub-section (10), the following sub-section shall be substituted, namely:—

'(10) In the Second Schedule to the Representation of the People Act, 1950, under the sub-heading "II. UNION TERRITORIES", against serial number 3 relating to "Jammu and Kashmir", for the entries under columns 2 to 7, the following entries shall respectively be substituted, namely:—

43 of 1950.

1	2	3	4	5	6	7
"3. Jammu and Kashmir	90	7	9	90	7	9".'

Insertion of
new sections
15A and 15B.

3. After section 15 of the principal Act, the following sections shall be inserted, namely:—

Nomination
of Kashmiri
Migrants.

'15A. Notwithstanding anything contained in sub-section (3) of section 14, the Lieutenant Governor of the Union territory of Jammu and Kashmir may nominate not more than two members, one of whom shall be a woman, from the community of Kashmiri Migrants, to the Jammu and Kashmir Legislative Assembly.

Explanation.—For the purposes of this section, the term "Migrant" shall have the same meaning as assigned to it in clause (e) of section 2 of the Jammu and Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997.

Jammu and
Kashmir Act
XVI of 1997.

Nomination
of displaced
persons.

15B. Notwithstanding anything contained in sub-section (3) of section 14, the Lieutenant Governor of the Union territory of Jammu and Kashmir may nominate one member from displaced persons from Pakistan occupied Jammu and Kashmir to the Jammu and Kashmir Legislative Assembly.

Explanation.—For the purposes of this section, the term "displaced person" means any person, who, on account of the setting up of the dominions of India and Pakistan, or on account of civil disturbances or fear of such disturbances in any area of the then State of Jammu and Kashmir presently under occupation of Pakistan, during the years 1947-48, 1965 and 1971, had left or had been displaced due to such disturbances from his place of residence in such area and who has been subsequently residing outside such area and also includes successors-in-interest of any such person.'

STATEMENT OF OBJECTS AND REASONS

The Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019) (the Act) was enacted with a view to provide for the reorganisation of the State of Jammu and Kashmir and for matters connected therewith or incidental thereto.

2. At the time of the militancy in the erstwhile State of Jammu and Kashmir in the late eighties, particularly in Kashmir (Division) in 1989-90, a large number of people migrated from their ancestral places of residence, in Kashmir province particularly the Kashmiri Hindus and Pandits alongwith few families belonging to Sikh and Muslim communities. Initially all the migrants were moved to Jammu. Later on, some migrants chose to go to other parts of the country, namely Delhi, Bengaluru and Pune. As per the data available with Government of Jammu and Kashmir, there are currently forty-six thousand five hundred and seventeen families having one lakh fifty-eight thousand nine hundred and seventy-six persons registered with the Relief Organisation of the Government of Jammu and Kashmir who have got registered over a period of last three decades.

3. In the wake of the 1947 Pakistani aggression in Jammu and Kashmir, thirty-one thousand seven hundred and seventy-nine families migrated from Pakistan occupied areas of Jammu and Kashmir to the erstwhile State of Jammu and Kashmir. Of these, twenty-six thousand three hundred and nineteen families settled in the erstwhile State of Jammu and Kashmir and remaining five thousand four hundred and sixty families moved out of the Jammu and Kashmir to other parts of the country. Further, during the Indo-Pak wars of 1965 and 1971, ten thousand and sixty-five more families were displaced from Chhamb Niabat area. Of these, three thousand and five hundred families were displaced during the 1965 war and six thousand five hundred and sixty-five families were displaced during the 1971 war. As such, a total of forty-one thousand eight hundred and forty-four families were displaced during 1947-48, 1965 and 1971 Indo-Pak wars.

4. The Delimitation Commission, while undertaking the delimitation process of Assembly and Parliamentary Constituencies in the Union territory of Jammu and Kashmir, received many representations from the "Kashmiri Migrants" and also "Displaced Persons from Pakistan occupied Jammu and Kashmir" regarding reservation of seats in the Legislative Assembly of the Union territory of Jammu and Kashmir to preserve their political rights and identity.

5. The Delimitation Commission, after considering the matter in depth recommended for representation of communities of "Kashmiri Migrants" and "Displaced Persons from Pakistan occupied Jammu and Kashmir" in the Legislative Assembly of the Union territory of Jammu and Kashmir by way of nomination.

6. As per sub-section (4) of section 14 of the Act, twenty-four seats in the Legislative Assembly of the Union territory of Jammu and Kashmir have been reserved for the people residing in the area of the Union territory of Jammu and Kashmir under illegal occupation of Pakistan. The said seats shall remain vacant until the area under the occupation of Pakistan ceases to be so occupied and the people residing in that area elect their representatives.

7. The representation of the "Kashmiri Migrants" and "Displaced Persons from Pakistan occupied Jammu and Kashmir" in Legislative Assembly of the Union territory of Jammu and Kashmir shall be given on lines of section 15 of the Act, which provides for the representation of women.

8. Further, on completion of delimitation process, the Delimitation Commission has published orders with regard to the delimitation of the Assembly and Parliamentary Constituencies of the Union territory of Jammu and Kashmir. As per these orders, the number of seats in the Legislative Assembly of the Union territory of Jammu and Kashmir has been increased from 107 to 114 with reservation of nine seats for Scheduled Tribes for the first time. Thus, consequential amendments in sub-sections (3) and (10) of section 14 of the Act is required.

9. The Act is proposed to be amended with a view to provide representation to "Kashmiri Migrants", "Displaced Persons from Pakistan occupied Jammu and Kashmir" and Scheduled Tribes in the Legislative Assembly of the Union territory of Jammu and Kashmir so as to preserve their political rights as well as for their overall social and economic development.

10. The Jammu and Kashmir Reorganisation (Amendment) Bill, 2023 provides for the following, namely:—

(i) to insert new sections 15A and 15B in the Act so as to nominate not more than two Members, one of whom shall be a woman, from the community of "Kashmiri Migrants" and one Member from "Displaced Persons from Pakistan occupied Jammu and Kashmir", to the Legislative Assembly of the Union territory of Jammu and Kashmir; and

(ii) amendments to sub-sections (3) and (10) of section 14 of the Act which are of consequential in view of completion of delimitation process in the Union territory of Jammu and Kashmir.

11. The Bill seeks to achieve the above objectives.

NEW DELHI;

AMIT SHAH.

The 17th July, 2023.

FINANCIAL MEMORANDUM

The Bill, if enacted, would not involve any financial expenditure either recurring or non-recurring from and out of the Consolidated Fund of India.

BILL NO. 18 OF 2023

A Bill further to amend the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Jammu and Kashmir) Scheduled Castes Order (Amendment) Act, 2023. Short title.

C.O. 52. 2. In the Schedule to the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, for entry 5, the following entry shall be substituted, namely:—
"5. Valmiki (in the Union territory of Jammu and Kashmir only), Chura, Bhangi, Balmiki, Mehtar". Amendment of Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.

STATEMENT OF OBJECTS AND REASONS

Scheduled Castes have been defined in clause (24) of article 366 of the Constitution as "such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution."

2. Article 341 of the Constitution provide as under:—

"341. Scheduled Castes.—(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

3. According to the provisions of article 341 of the Constitution, a list of Scheduled Castes of the Union territory of Jammu and Kashmir was first notified on 22.12.1956 through the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956 and the said list was last modified on 17.12.2002, *vide*, the Constitution (Scheduled Castes) Orders (Second Amendment) Act, 2002 (61 of 2002). The Union territory of Jammu and Kashmir has recommended for inclusion of Valmiki community as a synonym of Chura, Bhangi, Balmiki, Mehtar at Sl. No. 5 in the list of Scheduled Castes of Union territory of Jammu and Kashmir.

4. On the basis of the recommendation of the Union territory of Jammu and Kashmir, it is proposed to modify the list of Scheduled Castes in respect of the Union territory of Jammu and Kashmir by amending the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.

5. The Constitution (Jammu and Kashmir) Scheduled Castes Order (Amendment) Bill, 2023 proposes to amend the Schedule of the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956 for inclusion of Valmiki (in the Union territory of Jammu and Kashmir only) in entry 5.

6. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 30th January, 2023.

DR. VIRENDRA KUMAR.

FINANCIAL MEMORANDUM

The Bill seeks to include one synonymous community in the list of Scheduled Castes for the Union territory of Jammu and Kashmir. This will entail some additional recurring and non-recurring expenditure on account of benefits of schemes meant for development of the Scheduled Castes to which the persons belonging to the newly added community will become entitled, as a result of this Bill.

2. It is not possible to estimate the likely expenditure to be incurred on this account at this stage. However, the expenditure, if any, shall be accommodated within the approved budgetary outlay of the Government.

BILL NO. 92 OF 2023

A Bill further to amend the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Act, 2023. Short title.

C.O.142. **2.** In the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989, for the Schedule, the following Schedule shall be substituted, namely:— Substitution of Schedule to Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989.

"THE SCHEDULEPART I.—*Union territory of Jammu and Kashmir*

1. Bakarwal
2. Balti
3. Beda
4. Bot, Boto
5. Brokpa, Drokpa, Dard, Shin
6. Changpa
7. Gadda Brahmin
8. Gaddi
9. Garra
10. Gujjar
11. Koli
12. Mon
13. Paddari Tribe
14. Pahari Ethnic Group
15. Purigpa
16. Sippi.

PART II.—*Union territory of Ladakh*

1. Bakarwal
2. Balti
3. Beda
4. Bot, Boto
5. Brokpa, Drokpa, Dard, Shin
6. Changpa
7. Gaddi
8. Garra
9. Gujjar
10. Mon
11. Purigpa
12. Sippi."

STATEMENT OF OBJECTS AND REASONS

Scheduled Tribes have been defined in clause (25) of article 366 of the Constitution as such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of the Constitution.

2. Article 342 of the Constitution provides as under:—

"342. Scheduled Tribes.—(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

3. In accordance with the said Constitutional provisions, the first list of Scheduled Tribes in respect of the erstwhile State of Jammu and Kashmir was notified *vide* the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989. The said list of Scheduled Tribes was amended *vide* the Constitution (Scheduled Tribes) Order (Amendment) Act, 1991. By virtue of the provisions of the Jammu and Kashmir Reorganisation Act, 2019, the said list of Scheduled Tribes, presently applies to both the Union territory of Jammu and Kashmir and the Union territory of Ladakh.

4. The Administration of the Union territory of Jammu and Kashmir has requested to include the communities of "Gadda Brahmin", "Koli", "Paddari Tribe" and "Pahari Ethnic Group" in the list of Scheduled Tribes in respect of the Union territory of Jammu and Kashmir. On the basis of the recommendation of the Administration of the Union territory of Jammu and Kashmir and after consultation with the Registrar General of India and the National Commission for Scheduled Tribes, it is proposed to amend the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989.

5. Accordingly, the Constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Bill, 2023 proposes to amend the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989, to include the communities of "Gadda Brahmin", "Koli", "Paddari Tribe" and "Pahari Ethnic Group" in the list of Scheduled Tribes in respect of the Union territory of Jammu and Kashmir.

6. The Bill seeks to achieve the aforesaid objects.

NEW DELHI;

ARJUN MUNDA.

The 17th July, 2023.

FINANCIAL MEMORANDUM

The Bill seeks to amend the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989 to include the communities of "Gadda Brahmin", "Koli", "Paddari Tribe" and "Pahari Ethnic Group" in the list of Scheduled Tribes in respect of the Union territory of Jammu and Kashmir. The amendment in the list of Scheduled Tribes in respect of the Union territory of Jammu and Kashmir may entail additional expenditure on account of benefits to be provided to persons belonging to the said communities proposed in the Bill under the continuing schemes meant for the welfare of the Scheduled Tribes.

2. It is not possible to estimate the likely additional expenditure to be incurred on this account at this stage. However, the expenditure, if any, will be accommodated within the approved budgetary outlay of the Government.

BILL NO. 101 OF 2023

A Bill further to amend the Mines and Minerals (Development and Regulation)
Act, 1957.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as
follows:—

CHAPTER I

PRELIMINARY

Short title and
commencement. **1.** (1) This Act may be called the Mines and Minerals (Development and Regulation)
Amendment Act, 2023.

(2) It shall come into force on such date as the Central Government may, by notification
in the Official Gazette, appoint.

67 of 1957.

2. In section 3 of the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as the principal Act), in section 3,—

Amendment
of section 3.

(i) after clause (aa), the following clause shall be inserted, namely:—

'(aaa) "exploration licence" means a licence granted for undertaking reconnaissance operations or prospecting operations or both in respect of minerals specified in the Seventh Schedule;'

(ii) in clause (ae), after the words "composite licence", the words ", exploration licence" shall be inserted;

(iii) for clause (ha), the following clause shall be substituted, namely:—

'(ha) "reconnaissance operations" means any operations undertaken for preliminary prospecting of a mineral through regional, aerial, geophysical or geochemical surveys and geological mapping, and include pitting, trenching, drilling and sub-surface excavation;'

3. In section 4 of the principal Act, in sub-section (I), after the words "prospecting licence", the words "or of a exploration licence" shall be inserted.

Amendment
of section 4.

4. In section 4A of the principal Act,—

Amendment
of section 4A.

(i) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Termination of prospecting licences, exploration licences or mining leases.";

(ii) in sub-section (I), for the words "prospecting licence", at both the places where they occur, the words "prospecting licence or exploration licence" shall be substituted;

(iii) in sub-section (3), after the words "prospecting licence", the words "or exploration licence" shall be inserted.

5. In section 5 of the principal Act, for the marginal heading, the following marginal heading shall be substituted, namely:—

Amendment
of section 5.

"Restrictions on the grant of mineral concession."

6. In section 6 of the principal Act,—

Amendment
of section 6.

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Maximum area for which mineral concession may be granted.";

(b) in sub-section (I),—

(i) after clause (aa), the following clause shall be inserted, namely:—

"(ab) one or more exploration licences covering a total area of more than five thousand square kilometres:

Provided that the area granted under a single exploration licence shall not exceed one thousand square kilometers;"

(ii) in clause (c), for the words "reconnaissance permit, mining lease or prospecting licence", the words "mineral concession" shall be substituted.

7. In Chapter III of the principal Act, for Chapter heading, the following Chapter heading shall be substituted, namely:—

Substitution
of Chapter
heading of
Chapter III.

"PROCEDURE FOR OBTAINING MINERAL CONCESSION IN RESPECT OF LAND IN WHICH THE MINERALS VEST IN THE GOVERNMENT".

Amendment
of section 10.

8. In section 10 of the principal Act,—

(i) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Application for mineral concession.";

(ii) in sub-section (4), in clause (a), for the words, figures and letters "sections 10B, 11, 11A or the rules made under section 11B", the words, figures and letters "sections 10B, 10BA, 11, 11A, 11B or 11D" shall be substituted.

Insertion of
new section
10BA.

9. After section 10B of the principal Act, the following section shall be inserted, namely:—

"10BA. (1) The provisions of this section shall not apply to—

(a) the areas covered under section 17A;

(b) the minerals specified in Part A of the First Schedule;

(c) the minerals specified in Part B of the First Schedule where the grade of atomic mineral is equal to or greater than such threshold value as may be notified by the Central Government from time to time;

(d) any land in respect of which the minerals do not vest in the Government.

(2) Notwithstanding anything contained in sections 10B and 11, an exploration licence may be granted in any area by the State Government for the purpose of undertaking reconnaissance or prospecting operations or both in respect of any mineral specified in the Seventh Schedule.

(3) The Central Government may, by notification in the Official Gazette, and for reasons to be recorded in writing, amend the Seventh Schedule so as to modify the entries therein with effect from such date as may be specified in the said notification.

(4) The State Government shall, after obtaining the previous approval of the Central Government, and in such manner as may be prescribed by the Central Government, notify the areas in which exploration licence shall be granted, subject to such terms and conditions as may be specified in the notification.

(5) The Central Government may require the State Government to notify the area for grant of exploration licence within such period as may be fixed in consultation with the State Government, and in case the State Government does not notify the area within such period, the Central Government may, after the expiry of the period so fixed, notify the area for grant of exploration licence.

(6) The State Government shall, for the purpose of granting exploration licence through auction by method of competitive bidding, including e-auction, select an applicant who fulfils the eligibility conditions as specified in this Act and grant exploration licence to such applicant.

(7) Where—

(a) the State Government has not successfully completed auction for the grant of exploration licence; or

(b) after completion of auction, the exploration licence or letter of intent for grant of exploration licence has been terminated or lapsed for any reason whatsoever,

the Central Government may require the State Government to conduct and complete the auction or re-auction process, as the case may be, within such period as may be fixed in consultation with the State Government, and in cases where such auction or re-auction process is not completed within such period, the Central Government may, after the expiry of the period so fixed, conduct auction for the grant of exploration licence for such area:

Grant of
exploration
licence for
minerals
specified in
Seventh
Schedule
through
auction.

Provided that upon successful completion of the auction, the Central Government shall intimate the details of the preferred bidder in the auction to the State Government and the State Government shall grant exploration licence for such area to such preferred bidder in such manner as may be prescribed by the Central Government.

(8) The holder of exploration licence shall be entitled to a share of applicable amount quoted in the auction of mining leases payable by the lessee to the State Government in respect of the area granted in mining lease pursuant to the prospecting operations undertaken by the holder of such exploration licence:

Provided that the share in applicable amount payable to the holder of exploration licence by the lessee of such area shall be allowed only in respect of the minerals specified in the Seventh Schedule.

(9) The Central Government shall by rules provide for the manner of conducting auction for grant of exploration licence, including its terms and conditions, the bidding parameters for selection, share payable to the holder of exploration licence from out of the applicable amount quoted in auction of mining leases payable by the lessee of such area, the period for such payment and such other conditions as may be necessary.

(10) Notwithstanding anything contained in section 7,—

(a) the exploration licence shall be granted for a period of five years from the date of execution of the exploration licence;

(b) if, after three years from the date of execution of exploration licence, but before the date of its expiry, the holder of the exploration licence makes an application for the extension of the period of that licence, the State Government may, on being satisfied that within the period of five years, it shall not be possible for the holder of such licence to complete the reconnaissance or prospecting operations for reasons beyond his control, extend the said period to a further period not exceeding two years.

(11) After three years from the date of execution of the exploration licence, the holder of such licence may retain an area not exceeding twenty-five per cent. of the total area covered under that licence for the purpose of continuing reconnaissance or prospecting operations and shall surrender the remaining area after submitting a report to the State Government stating the reasons for retention of the area proposed to be retained by him and the boundaries of that area.

(12) The holder of the exploration licence shall, within three months of the completion of the operations for which licence has been granted, or of the date of expiry of the exploration licence, whichever is earlier, submit a geological report to the State Government explaining the result of the reconnaissance and prospecting operations, in such manner as may be prescribed.

(13) If the holder of the exploration licence fails to complete the reconnaissance and prospecting operations before expiry of the exploration licence, or fails to submit the geological report within the period specified in sub-section (12), the State Government may take such action as it deems fit, including imposition of penalty.

(14) Within six months from the date of receipt of the geological report from the holder of the exploration licence, the Central Government or the State Government shall initiate the auction process for grant of one or more separate mining leases under section 10B or section 11 or section 11D, as the case may be, in respect of the area where existence of mineral content is established and shall select the preferred bidder for grant of such mining leases within one year from the date of receipt of the geological report:

Provided that in case the preferred bidder is not selected within the period so specified, the State Government shall pay to the person who was the holder of exploration licence such amount, and in such manner, as may be prescribed."

Insertion of
new section
11D.

Central
Government
to conduct
auction for
grant of
mining lease
or composite
licence in
respect of
minerals
specified in
Part D of
First
Schedule.

10. After section 11C, the following section shall be inserted, namely:—

"11D. (1) Notwithstanding anything contained in this Act, the Central Government shall, for the purpose of granting mining lease or composite licence in any area in respect of any mineral specified in the Part D of the First Schedule, select, through auction by method of competitive bidding, including e-auction, a preferred bidder who fulfils the eligibility conditions as specified in section 5, on such terms and conditions, and in such manner, as may be prescribed.

(2) Upon successful completion of the auction, the Central Government shall intimate the details of the preferred bidder in the auction to the State Government and the State Government shall grant mining lease or composite licence for such area, to such preferred bidder, in such manner, as may be prescribed by the Central Government.

(3) The royalty, dead rent, applicable amount quoted in the auction and any other statutory payment in relation to the mining lease or composite licence auctioned by the Central Government shall accrue to the State Government or concerned authorities, as the case may be, as if the auction has been conducted by the State Government."

Amendment
of section 12.

11. In section 12 of the principal Act,—

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Registers of mineral concession.";

(b) in sub-section (1),—

(i) in clause (e), the word "and" shall be omitted;

(ii) after clause (f), the following clauses shall be inserted, namely:—

"(g) a register of applications for exploration licences; and

(h) a register of exploration licences,".

Amendment
of section
12A.

12. In section 12A of the principal Act,—

(i) after the words "composite licence", wherever they occur, the words "or exploration licence" shall be inserted;

(ii) in sub-section (4), in the proviso, for the words "or of a composite licence", the words "or composite licence" shall be substituted.

Substitution
of Chapter
heading of
Chapter IV.

13. In Chapter IV of the principal Act, for Chapter heading, the following Chapter heading shall be substituted, namely:—

"RULES FOR REGULATING THE GRANT OF MINERAL CONCESSIONS".

Amendment
of section 13.

14. In section 13 of the principal Act, in sub-section (2),—

(i) clause (ac) shall be omitted;

(ii) in clause (qgg), for the words, figures and letters "mining lease or composite licence under section 10B, 11, 11A, 11B", the words, figures and letters "mineral concession under section 10B, 10BA, 11, 11A, 11B, 11D" shall be substituted;

(iii) after clause (v), the following clauses shall be inserted, namely:—

"(va) the manner of notifying the areas for grant of exploration licence under sub-section (4) of section 10BA;

(vb) the manner of granting exploration licence to the preferred bidder under the proviso to sub-section (7) of section 10BA;

(vc) the manner of conducting auction for grant of exploration licence, the terms and conditions thereof, the bidding parameters for selection, the share payable to the holder, the period for payment and other conditions under sub-section (9) of section 10BA;

(vd) the manner of submitting geological report under sub-section (12) of section 10BA;

(ve) the amount to be paid and the manner of payment under the proviso to sub-section (14) of section 10BA;;

(iv) after clause (x), the following clauses shall be inserted, namely:—

"(xa) the terms and conditions and the manner of selecting a preferred bidder under sub-section (1) of section 11D;

(xb) the manner of granting a mining lease or composite licence to a preferred bidder under sub-section (2) of section 11D;"

15. In section 17A of the principal Act, in sub-sections (1), (1A) and (2), after the words "prospecting licence", the words "or exploration licence" shall be inserted. Amendment of section 17A.

16. In section 18A of the principal Act, in sub-section (1), after the words "prospecting licence", at both the places where they occur, the words "or exploration licence" shall be inserted. Amendment of section 18A.

17. In section 19 of the principal Act, for the marginal heading, the following marginal heading shall be substituted, namely:— Amendment of section 19.

"Mineral concession to be void if in contravention of Act."

18. In section 21 of the principal Act, in the *Explanation*, after the words "composite licence", the words ", exploration licence" shall be inserted. Amendment of section 21.

19. In section 24A of the principal Act, for the marginal heading, the following marginal heading shall be substituted, namely:— Amendment of section 24A.

"Rights and liabilities of a holder of mineral concession."

20. In the principal Act, in the First Schedule,— Amendment of First Schedule.

(i) after the figures and letter "11C", the figures and letter "11D" shall be inserted;

(ii) for Part B, the following Part shall be substituted, namely:—

"PART B

Atomic minerals

1. Minerals of the "rare earths" group containing Uranium and Thorium.
2. Phosphorites and other phosphatic ores containing Uranium.
3. Pitchblende and other Uranium ores.
4. Uraniferous allanite, monazite and other thorium minerals.
5. Uranium bearing tailings left over from ores after extraction of copper and gold, ilmenite and other titanium ores.
6. Beach sand minerals, that is, economic heavy minerals found in the teri or beach sands, which include ilmenite, rutile, leucosene, garnet, monazite, zircon and sillimanite.";

(iii) after Part C, the following Part shall be inserted, namely:—

"PART D

Critical and Strategic Minerals

1. Beryl and other beryllium bearing minerals.
2. Cadmium bearing minerals.
3. Cobalt bearing minerals.
4. Gallium bearing minerals.
5. Glauconite.
6. Graphite.
7. Indium bearing minerals.
8. Lithium bearing minerals.
9. Molybdenum bearing minerals.
10. Nickel bearing minerals.
11. Niobium bearing minerals.
12. Phosphate (without uranium).
13. Platinum group of elements bearing minerals.
14. Potash.
15. Minerals of the "rare earths" group not containing Uranium and Thorium.
16. Rhenium bearing minerals.
17. Selenium bearing minerals.
18. Tantalum bearing minerals.
19. Tellurium bearing minerals.
20. Tin bearing minerals.
21. Titanium bearing minerals and ores (ilmenite, rutile and leucoxene).
22. Tungsten bearing minerals.
23. Vanadium bearing minerals.
24. Zirconium bearing minerals and ores including zircon."

21. In the principal Act, after Sixth Schedule, the following shall be inserted, namely:—

"THE SEVENTH SCHEDULE

[See sections 3 (aaa), 10BA(2) and 10BA(3)]

Minerals

1. Apatite.
2. Beryl and other beryllium bearing minerals.
3. Cadmium bearing minerals.
4. Cobalt bearing minerals.
5. Copper bearing minerals.

Insertion of
new Seventh
Schedule.

6. Diamond.
7. Gold.
8. Graphite.
9. Indium bearing minerals.
10. Lead bearing minerals.
11. Lithium bearing minerals.
12. Molybdenum bearing minerals.
13. Niobium bearing minerals.
14. Nickel bearing minerals.
15. Potash.
16. Platinum group of elements bearing minerals.
17. Minerals of 'rare earths' group.
18. Rhenium bearing minerals.
19. Rock Phosphate.
20. Selenium.
21. Silver.
22. Tantalum bearing minerals.
23. Tellurium bearing minerals.
24. Tin bearing minerals.
25. Titanium bearing minerals and ores (ilmenite, rutile and leucoxene).
26. Tungsten bearing minerals.
27. Vanadium bearing minerals.
28. Zinc bearing minerals.
29. Zirconium bearing minerals and ores including zircon."

STATEMENT OF OBJECTS AND REASONS

The Mines and Minerals (Development and Regulation) Act, 1957 was enacted to provide for the development and regulation of mines and minerals under the control of the Union.

2. The Act was comprehensively amended in 2015 to bring several reforms in the mineral sector, notably, mandating method of auction for grant of mineral concessions to bring transparency in allocation of mineral resources, for establishing District Mineral Foundation for the welfare of the people and areas affected by mining and for establishing National Mineral Exploration Trust to give thrust to exploration and for ensuring stringent penalty for illegal mining. The Act was further amended in 2016 and 2020 to address specific emergent issues and was last amended in 2021 to bring further reforms in the sector, such as, removing the distinction between captive and merchant mines, transfer of statutory clearances to ensure continuity in mining operations even with change of lessee, removing the restrictions on transfer of mineral concessions, lapsing of rights of non-auctioned concession holders which have not resulted in mining leases to ensure that concessions to private sector are only granted through auction, etc.

3. However, the mineral sector requires certain more reforms particularly for increasing exploration and mining of critical minerals that are essential for economic development and national security in the country. The lack of availability of the critical minerals or concentration of their extraction or processing in a few geographical locations may lead to supply chain vulnerabilities and even disruption of supplies. The future global economy will be underpinned by technologies that depend on minerals such as lithium, graphite, cobalt, titanium, and rare earth elements. Critical minerals have gained significance in view of India's commitment towards energy transition and achieving net-zero emission by 2070.

4. Therefore, it is proposed to further amend the said Act by enacting the Mines and Minerals (Development and Regulation) Amendment Bill, 2023. One of the major reforms proposed in the Bill is to introduce exploration licence for deep-seated and critical minerals. The exploration licence granted through auction shall permit the licensee to undertake reconnaissance and prospecting operations for critical and deep-seated minerals mentioned in the newly proposed the Seventh Schedule to the Act. The blocks explored by the exploration licence holder would be auctioned for mining lease within the prescribed timeline, which will fetch better revenue to the State Governments. The exploration agency shall be entitled to a share in the auction premium payable by the mining lease holder. Deep-seated minerals, such as gold, silver, copper, zinc, lead, nickel, cobalt, platinum group of minerals, diamonds, etc. are difficult and expensive to explore and mine as compared to surfacial or bulk minerals and thus share of deep-seated minerals in total mineral production is meager at present. The country is mostly dependent on imports of these minerals. The proposed exploration licence would facilitate, encourage and incentivise private sector participation in all spheres of mineral exploration for critical and deep-seated minerals.

5. Further, from the list of 12 atomic minerals specified in Part-B of the First Schedule to the Act, it is proposed to omit 6 minerals, namely, (i) Beryl and other beryllium-bearing minerals (ii) Lithium-bearing minerals, (iii) Niobium-bearing minerals, (iv) Titanium bearing minerals and ores, (v) Tantalum-bearing minerals and (vi) Zirconium-bearing minerals and ores. These minerals have various applications in space industry, electronics, communications, energy sector, electric batteries and are critical in net-zero emission commitment of India. Due to their inclusion in the list of atomic minerals, their mining and exploration is reserved for government entities. Upon removal of these minerals from the said list, exploration and mining of these minerals will be opened up for the private sector as well. As a result, exploration and mining of these minerals is expected to increase significantly in the country.

6. It is also proposed to empower Central Government to exclusively auction mining lease and composite licence for certain critical minerals listed in new Part-D of the

First Schedule to the said Act. As these critical minerals are indispensable for the growth of our economy, authorising the Central Government to auction concession for these critical minerals would increase the pace of auction and early production of the minerals. Even in case of conduct of auction by the Central Government, the mineral concession shall be granted to the selected bidders by the State Government only and the auction premium and other statutory payments shall accrue to the State Government.

7. The Bill seeks to achieve the above objectives.

PRALHAD JOSHI.

NEW DELHI;

The 19th July, 2023.

FINANCIAL MEMORANDUM

The Bill seeks to amend the Mines and Mineral (Development and Regulation) Act, 1957 to increase exploration and mining of critical and deep-seated minerals in the country and to put the nation's mineral resources to the best use for national economic growth. The Bill, if enacted, is not likely to involve any recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill seeks to insert a new section 10BA in the Mines and Minerals (Development and Regulation) Act, 1957. Sub-section (3) of the said section empowers the Central Government to amend, by notification in the Official Gazette and for reasons to be recorded in writing, the Seventh Schedule which specifies the minerals for which an exploration licence may be granted.

2. Clause 14 of the Bill seeks to amend sub-section (2) of section 13 of the said Act to empower the Central Government to make rules to provide for - (i) the manner of notifying the areas for grant of exploration licence; (ii) the manner of granting exploration licence to the preferred bidder; (iii) the manner of conducting auction for grant of exploration licence, the terms and conditions thereof, the bidding parameters for selection, the share payable to the holder and the period for payment and other conditions; (iv) the manner of submitting geological report; (v) the amount to be paid and the manner of payment; (vi) the terms and conditions and the manner of selecting a preferred bidder; and (vii) the manner of granting a mining lease or composite licence to a preferred bidder.

3. The matters in respect of which rules may be made and notification issued are matters of procedure and administrative detail and it is not practicable to provide for them in the proposed legislation itself. The delegation of legislative power is, therefore, of a normal character.

THE FIRST SCHEDULE

[See sections 4(3), 5(1), 7(2) and 8(1), 8A(1), 10A, 10B(1), 10C(1), 11(1), 11B, 11C, 12A(1),
and 17A(2A)]

SPECIFIED MINERALS

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*PART B**Atomic minerals*

1. Beryl and other beryllium-bearing minerals.
2. Lithium-bearing minerals.
3. Minerals of the "rare earths" group containing Uranium and Thorium.
4. Niobium-bearing minerals.
5. Phosphorites and other phosphatic ores containing Uranium.
6. Pitchblende and other Uranium ores.
7. Titanium bearing minerals and ores (ilmenite, rutile and leucoxene).
8. Tantalum-bearing minerals.
9. Uraniferous allanite, monazite and other thorium minerals.
10. Uranium bearing tailings left over from ores after extraction of copper and gold, ilmenite and other titanium ores.
11. Zirconium-bearing minerals and ores including Zircon.
12. Beach sand minerals, that is, economic heavy minerals found in the teri or beach sands, which include ilmenite, rutile, leucoxene, garnet, monazite, zircon and sillimanite.

UTPAL KUMAR SINGH,
Secretary General.